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12 Attorneys for *Plaintiffs*

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SAN FRANCISCO DIVISION**

16 MONITA SHARMA and ERIC
17 ANDERSON, on behalf of themselves
18 and all others similarly situated,

19 Plaintiffs,

20 v.

21 BMW OF NORTH AMERICA, LLC, a
22 Delaware Limited Liability Company,

23 Defendant.

Case No. 3:13-cv-02274-MMC (KAW)

24 **STIPULATION AND ~~[PROPOSED]~~**
25 **ORDER CONTINUING JUNE 30, 2017**
26 **CASE MANAGEMENT CONFERENCE**
27 **AND TO STAY CASE PENDING**
28 **SETTLEMENT**

Honorable Maxine M. Chesney

1 Pursuant to Northern District of California Civil Local Rule 7-12, Plaintiff Eric Anderson
2 (“Plaintiff”) and Defendant BMW of North America, LLC (“BMW NA” or “Defendant”), by and
3 through their respective attorneys, hereby stipulate as follows:

4 **STIPULATION**

5 WHEREAS, the parties in *Catalano v. BMW of North America, LLC, et al.*, Case No. 1:15-
6 cv-04889, pending before Honorable Katherine B. Forrest in the United States District Court for the
7 Southern District of New York (“*Catalano* Action”) have entered into a settlement agreement
8 (“Settlement”) that resolves both the *Catalano* Action and this case (“*Sharma* Action”);

9 WHEREAS, on December 5, 2016, this Court entered on Order staying the *Sharma* Action
10 (“Order Staying Case”) (Dkt. No. 185) pursuant to the parties’ Stipulation to Stay Case Pending
11 Settlement (Dkt. No. 184);

12 WHEREAS, on February 28, 2017, Judge Forrest entered an Order Granting Preliminary
13 Approval of Class Action Settlement (*Catalano* Dkt. No. 129);

14 WHEREAS, notice of the proposed Settlement has been provided by U.S. Mail and
15 publication via a Settlement website to the Settlement Class, consisting of: all persons or entities in
16 the United States and Puerto Rico who currently own or lease, or previously owned or leased, a
17 model year 2004 to 2010 U.S. specification BMW 5 Series (E60 and E61) vehicle;

18 WHEREAS, the deadline for plaintiff’s counsel in the *Catalano* Action to move for final
19 approval of the proposed Settlement is June 28, 2017 and the hearing on plaintiff’s motion for final
20 approval is scheduled for July 28, 2017;

21 WHEREAS, Plaintiff’s counsel in this case also represent the plaintiff and putative class in
22 the *Catalano* Action;

23 WHEREAS, in light of the ongoing proceedings to approve the proposed Settlement
24 resolving this case and the *Catalano* Action, further litigation of this action would not be an
25 efficient use of the parties’ or this Court’s resources;

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27 ///

28 ///

1 WHEREAS, pursuant to the Court's Order Staying Case, in the event the proposed
2 Settlement has not yet been finally approved, the parties are required to submit a joint Case
3 Management Statement no later than June 23, 2017 in advance of the existing Case Management
4 Conference on June 30, 2017, consistent with this Court's November 14, 2016 Order Re: Case
5 Management Conference (Dkt. No. 183); and

6 WHEREAS, the parties hereby stipulate and agree to continue the stay in this case and all
7 case management and related deadlines.

8 NOW, THEREFORE, undersigned counsel for the parties, having met and conferred and
9 good cause appearing, hereby stipulate and agree as follows:

10 1. The above-captioned case and all case management and related deadlines should
11 continue to be stayed pending final approval of the Settlement to this action and the *Catalano* Action
12 and the settlement approval process before Judge Forrest; and

13 2. The parties further agree and stipulate that the existing Case Management
14 Conference on June 30, 2017 should be continued to September 29, 2017, and that the parties will
15 jointly submit a Case Management Statement no later than September 22, 2017.

16
17 **IT IS HEREBY STIPULATED.**

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19 Dated: June 22, 2017.

KERSHAW, COOK & TALLEY PC

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21 By: /s/ Ian J. Barlow
22 IAN J. BARLOW

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28 *Attorneys for Plaintiff and the putative Class*

1 Dated: June 22, 2017.

SQUIRE PATTON BOGGS (US) LLP

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4 By: /s/ Aengus H. Carr
AENGUS H. CARR

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6 275 Battery Street, Suite 2600
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8 *Attorneys for Defendant*


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10 **Civil L.R. 5-1(i) Certification**

11 The filing attorney hereby certifies that concurrence in the filing of the document has been
12 obtained from each of the other signatories, in full accordance with Civil Local Rule 5-1(i).

13 **PROPOSED ORDER**

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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16
17 DATED: June 23, 2017

18 
Honorable Maxine M. Chesney
19 SENIOR DISTRICT JUDGE
20 UNITED STATES DISTRICT COURT
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